

1 THE HON. MARSHA J. PECHMAN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 MEDZILLA, INC.,)
10 v.)
11 SCISTAFF SERVICES LLC, a New Jersey)
12 limited liability company;)
13 LEADINGSCIENCE.COM, a Massachusetts)
14 sole proprietorship; S.J. McKEARNEY,)
15 INC., a Massachusetts corporation; and)
16 SCOTT McKEARNEY, an individual,)
17 Defendants.)
18)
19 S. J. McKEARNEY, INC., a Massachusetts)
20 corporation,)
21 Third-Party Plaintiff,)
22)
23 v.)
24 SCISTAFF SERVICES, LLC, a New Jersey)
25 limited liability company,)
26 Third-Party Defendant.)

**ORDER ON MOTIONS TO DISMISS
FOURTH PARTY COMPLAINT AND
MODIFY SCHEDULING ORDER**

The Court has received and reviewed the Amended Motion to Dismiss Fourth Party Complaint Against Scott McKearney (Dkt. No. 82) and Scistaff's Motion to Modify Scheduling Order and Compel Rule 16(b) and 26(f) Conferences (Dkt. No. 90), and all

1 responsive pleadings, exhibits and declarations. The Court rules as follows:

2 IT IS ORDERED that the motion to dismiss the fourth party complaint is DENIED.

3 IT IS FURTHER ORDERED that the parties are to meet and confer pursuant to FRCP
4 16(b) and 26(f) and file a revised Joint Status Report with the Court by no later than **January**
5 **7, 2008** which suggests any modifications to the current case schedule that the parties deem
6 appropriate.

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8 DATED this 10th day of December, 2007.

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10 /s/ Marsha J. Pechman
11 Hon. Marsha Pechman

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DECLARATION OF SERVICE

2 I, Taunja VanderVaate, hereby make the following Declaration from personal
3 knowledge: On October 19, 2007, I presented the attached document to the Clerk of the Court
4 for filing and uploading to the CM/EFC system. In accordance with their ECF registration
5 agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such
6 filing to the following attorneys:

7 Dennis John McGlothin, WSBA #28177
8 Attorneys for Defendants
9 OLYMPIC LAW GROUP
10 1221 E Pike Street, Suite 205
Seattle, WA 98122-3930
Email: dennis@olympiclaw.com

11 M. Owen Gabrielson, Esq.
12 Graham & Dunn PC
Pier 70
13 2801 Alaskan Way, Suite 300
Seattle, WA 98121-1128
14 E-Mail: ogabrielson@grahamdunn.com

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16 I HEREBY DECLARE UNDER PENALTY OF PERJURY under the laws of the
17 United States of America and the State of Washington that the foregoing is true and correct.

18 EXECUTED this 19th day of October, 2007, at Seattle, Washington.

19
20 /s/ Taunja C. VanderVaate
Taunja C. VanderVaate